R E P O R T  R E S U M E S

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DISCRIMINATION--DANGER TO DEMOCRACY, A TEACHING UNIT ON CERTAIN CIVIL RIGHTS. REVISED EDITION.

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MASSACHUSETTS STATE DEPT. OF EDUCATION, BOSTON

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THIS 2-WEEK TEACHING UNIT FOR HIGH SCHOOL STUDENTS CONTAINS TWO OUTLINES FOR LESSONS, "HOW HIGH THE COST OF PREJUDICE" AND "HOW DO WE SAFEGUARD LIBERTY BY LAW." EACH UNIT LESSON CONTAINS SUGGESTIONS FOR CLASSROOM DISCUSSION AND ACTIVITIES AND RECOMMENDED READINGS FOR BOTH TEACHERS AND PUPILS. ALSO INCLUDED ARE 12 BRIEF CASE HISTORIES ILLUSTRATIVE OF THE WORK OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION. (LB)

GUIDELINES: CLASSROOM
INTERGROUP EDUCATION PRACTICES

Mass.

The Commonwealth of Massachusetts

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# Discrimination—
# Danger To Democracy

## A Teaching Unit on Certain Civil Rights

**REVISED EDITION**

*Prepared for*
**MASSACHUSETTS SECONDARY SCHOOLS**
*by*
**THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION**
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# FOREWORD

"Discrimination comes about when basic human rights are denied to individuals or groups of people." At long last the United States Congress in 1964 has passed a Civil Rights Act in an attempt to insure equality of opportunity in all of the nation. Massachusetts has been a leader in this field of legislation since as early as 1865 when a public accommodation law was placed on our statute books. It was not until 1946, however, that a Fair Employment Practice Law established a Commission to implement anti-discrimination legislation. This Fair Employment Practice Commission became the Massachusetts Commission Against Discrimination in 1950 when its scope was increased. Its jurisdiction now covers employment, education, public accommodations and housing. In addition to these duties it carries on an educational program which has been effective in promoting voluntary compliance with the law.

To be more explicit the General Court of Massachusetts has established the Massachusetts Commission Against Discrimination, a state agency, which enforces laws against discrimination in employment because of race, color, religious creed, national origin, age or ancestry; in education because of race, color, religious creed or national origin; and against discrimination or segregation in places of public accommodation and housing.

The Commission consists of four members appointed by the Governor, they in turn appoint an Executive Secretary, Field Representatives, and an office staff to work with them in administering the law. The main office of the Commission is at 41 Tremont Street, Boston, on the 12th floor. The telephone number is CA 7-3111. The Springfield office is at 1570 Main Street, Springfield, the telephone number is 739-2145.

The State Department of Education, through its division of Civic Education, joins with the Commission to make educational material on civil rights available for all school systems. These branches of the State Government are uniting in a statewide effort to bring about a clear understanding of the rights and responsibilities of each individual in the four fields: employment, education, public accommodation and housing for which the Commission is responsible.

MILDRED H. MAHONEY, *Chairman*
RUTH M. BATSON, *Commissioner*
BEN G. SHAPIRO, *Commissioner*
MALCOLM C. WEBBER, *Commissioner*
WALTER H. NOLAN, *Executive Secretary*

Massachusetts Commission Against Discrimination

THOMAS J. CURTIN, *Deputy Commissioner of Education*

State Department of Education

# *Discrimination — Danger to Democracy*

## A TEACHING UNIT ON CERTAIN CIVIL RIGHTS

*Suggested Grade Placement:* SENIOR HIGH SCHOOL

*Suggested Time Allotment:* TWO WEEKS

## OBJECTIVES

A. To gain the following *UNDERSTANDINGS:*

1. That equality of opportunity is a basic American right.
2. That America's greatness is owed in part, at least, to the willingness of people of many backgrounds to work together and to live together in a spirit of co-operation and mutual respect.
3. That the enactment of state legislation prohibiting discrimination in employment, education, places of public accommodation, and housing is consistent with the American tradition of safeguarding liberty under our laws.
4. That opportunity to work should depend on the ability to fulfill the requirements of the job, regardless of the race, color, religious creed, national origin, age or ancestry of the applicant.
5. That opportunity for advancement in any field of work should not be denied because of race, color, religious creed, national origin, age or ancestry.
6. That the right of any person or persons to obtain housing and equal treatment in places of public accommodation should not be denied because of race, color or religious creed.
7. That the acceptance of a job should carry with it the duty to give "an honest day's work for an honest day's pay," and the obligation not to discriminate against the employer or any fellow employee.
8. That the obtaining of housing accommodations should carry with it the responsibility to respect and protect the property, and the obligation not to discriminate against fellow residents and neighbors.
9. That the elimination (or toning down) of prejudices contributes to the wiping out of discrimination.

B. To acquire *INFORMATION:*

1. About the rights, privileges, duties, and responsibilities of Americans concerning employment, places of public accommodation, housing, and education.
2. About how prejudices are formed and how they can be lessened or eliminated.
3. About individuals who have worked and lived with their fellow Americans in such manner as to make this a happier and more prosperous country.
4. About American businesses and other organizations which have worked for and practiced equality of opportunity in employment.
5. About the program and practices of the Massachusetts Commission Against Discrimination, formerly the Massachusetts Fair Employment Practice Commission.

C. To develop the following *ATTITUDES:*

1. That we should respect the right of all Americans to equality of opportunity in getting a job and in improving their job standing.
2. That we should respect the right of all Americans to equal and fair treatment in places of public accommodation and in housing.
3. That we should appreciate the efforts of people and organizations to eliminate discriminatory practices in employment, education, public accommodations and housing.
4. That we should exercise care in forming judgments about our fellow citizens.
5. That we should deliberately look for what is good among our fellow citizens.
6. That we should render honest service on a job.
7. That we should appreciate the determination of the American people to safeguard the life, liberty, and property of the individual citizen as shown by our actions and reflected in our civil rights laws.

D. To develop and improve *SKILLS AND ABILITIES* such as:

1. Finding and using sources of information concerning Civil Rights.
2. Analyzing propaganda materials, with particular reference to distinguishing between emotional and intellectual arguments and appreciating the effectiveness of both.
3. Suspending judgment until all possible facts are obtained and studied.
4. Examining objectively one's own prejudices.
5. Discerning acts of discrimination.
6. Interpreting charts and tables.
7. Assessing the contributions of racial, national and religious groups to American civilization.
8. Serving as leader and/or follower in groups concerned with eliminating discrimination in the school and community, with emphasis on command of parliamentary procedures and public relations techniques; for example, how to prepare a news story for a newspaper.
9. Assessing one's own ability to get and to hold a job.

## OVERVIEW

Many thinking Americans are firmly convinced now, more than ever before, that "discrimination is not only immoral, but is bad business." Peace within this country and peace in the world without, insofar as we can influence the conditions which make for it, is largely dependent upon inter-group understanding, respect, and good will. And good will must be translated into action.

Discriminatory acts which are evidenced in our civic behavior take several forms. Among the most harmful practices are those which deny equality of opportunity to all American citizens with respect to employment, education, accommodations in places of public accommodation and housing. These denials of basic rights are harmful to the people suffering from them and to the person inflicting such unjust treatment. They may serve to weaken the whole basic structure of our democratic way of life; and to provide propaganda material for our enemies thereby making it possible for them to say we do not practice what we preach.

As a people believing in a government by laws, we have safeguarded our civil liberties by law. Laws designed to prohibit discrimination in employment and public housing have been enacted by the representatives of the people in our Federal and in many of our state governments. Inquiry into the wisdom and

effectiveness of laws affecting areas where discriminations persist is a rightful task for education. Thus the development of this unit of teaching material.

Acts of discrimination owe their origin to prejudice. Prejudices are learned. To the American system of education, in part at least, belongs the responsibility of imparting the kind of information and providing the means of action whereby young people hopefully may grow up equipped with sound and wholesome understandings and a will to behave as good citizens behave.

## *Unit Assignment I*

# HOW HIGH THE COST OF PREJUDICES?

A. Suggested Outline for the Unit Assignment

1. The meaning of prejudice.
2. Sources of some of our prejudices.
   a. Person-to-person: talk, facial expressions, example.
   b. Other agencies of communication: newspapers, magazines, books, pamphlets, cartoons, billboards, radio, television.
3. Tricks of the trade: some propaganda techniques.
   a. Applying propaganda techniques in the building of prejudices.
4. From prejudices to discrimination.
   a. Discrimination in employment.
   b. Discrimination in education.
   c. Discrimination in housing.
   d. Discrimination in places of public accommodation.
5. Paying the price of prejudice and discrimination.
   a. Losses on the home front: economic and social.
   b. Losses on the international scene: political, economic and social implications.
   c. Losses to individual victims.
6. They saw the right.
   a. People and organizations that have been concerned and are now concerned with human rights.
      (1) On international level.
      (2) On national level.
      (3) On state level.
      (4) On city or town level.

B. Suggested Questions for Thought and Discussion

1. How may our prejudices be influenced by each of the following: (a) movies; (b) cartoons; (c) comic strips; (d) books and magazines; (e) music; (f) radio and television?
2. How may the malicious use of some names, songs, dialects, symbols, cause ill feeling?
3. What is meant by "scapegoating" and what are some ways of combating this practice?
4. Can you present two or three illustrations of ways in which propagandists use the following techniques of their trade to invite discrimination: (a) "Name Calling"; (b) "Card Stacking"; (c) "Transfer"; (d) "Glittering Generalities"?
5. What does the following quotation mean to you, and how would you apply it to a discussion of discrimination: "The average man is a speck of intellect drowned in a sea of emotions"?
6. What, in your opinion, is the true significance of the title, "The Land Where Hate Should Die?"
7. The greatest test of understanding is what we do rather than what we say. Tell why you value the friendship of a person who may be of different racial, religious, or national background from you, but who rates with you as a good fellow American. (You may withhold his name if you wish.) Can you relate any incident or example to show why you regard him or her so highly?

8. Can you cite any illustrations to show how the people of the United States are better off economically because this country made it possible for members of so-called minority groups to develop their talents? Have we been hurt by denial of equal opportunity to some minority group members?
9. Can you tell about any unusual example of "good neighborliness" occurring in a community inhabited by people of many different backgrounds?
10. What are some of the ways in which you personally may get along better with other citizens of your school and your community? What connection, immediate or remote, do you see between how you get along with your neighbors and the acceptance or appreciation of the American ideal of brotherhood by people in foreign lands?
11. What are some issues in Metropolitan living which will be solved only by greater cooperation of people living in the communities affected?

C. Suggested Activities

1. Write an editorial on the theme "Sticks and stones will break my bones, but names will never hurt me."
2. Draw some cartoons or write some slogans (or combine the two) which could be exhibited in a place of business to show that we should all work together in the common defense of our way of life.
3. Stage a writing contest on the topic "A Lesson My Parents Taught Me About Understanding, Respect, and Good Will for Others." Select the three most interesting stories submitted by the class.
4. Examine any political campaign literature you can obtain for illustrations of propaganda devices.
5. Prepare and stage a socio-drama in which students depict Washington, Jefferson, Lincoln, Theodore Roosevelt, Franklin D. Roosevelt, John F. Kennedy and others and quote them with respect to "good will toward men."
6. "Selecting All-American teams has become a national game. Everybody has his own opinions about who belongs on the All-American eleven or All-Star nine. Let's find out how your class picks them. Better still, let's discover what an amazing variety of racial stocks and national origins have contributed to the All-American lists. More than that, how about some other ways of life or ways of looking at life in America—music, art, literature, science, invention, politics, philanthropy?
"How shall we go about it?
"First, divide the class into several 'All' committees. One group (boys preferably) is to concentrate on the gridiron game. Group Two (boys preferably, but a few girls, too) should work on the All-Star baseball team of the past decade. Group Three (boys and girls who have a strong preference for music) could select their ten top composers, singers, conductors, instrumentalists in the history of American music, or, if they wish, confine it to those since World War II. Let group Four choose the ten best contributors from the world of American arts—painters, sculptors, architects, cartoonists. Group Five can assemble the ten most significant scientists and inventors. Group Six might examine the contributions of great public servants, office-holders—elected or appointed, present and past—and name its favorite ten. Group Seven might investigate America's great philanthropists and come to agreement on ten ranking citizens.
"How shall we present our findings? Perhaps we might copy the style of sportswriters and build a good paragraph about each 'player,' telling his major contribution in his special field that marks him as a standout. Perhaps a few words, where possible, about his influence on American life; perhaps a comment on national origin or race intended only to reveal the amazing streams of talent which have flowed into America.
"Now we have the opportunity to take these 'All' teams, outline interest-

ing posters or tablets, have our typists and printers prepare a copy, and have our artists do the picture layouts for exhibition purposes. Each 'team' may then be exhibited on the bulletin board, in the corridor, in the library in turn. The finished product could also be bound and made available to other classes and adult groups.

"As a climax, organize a panel discussion at the next assembly with selectors from each field describing to the school his 'Most Valuable Player' and what he did for America."*

*Quoted with permission from "And Crown Thy Good," published by the Civic Education Project, 1951.

# *Unit Assignment 1*

# HOW HIGH THE COST OF PREJUDICE?

D. Suggested References

*(Note:* This bibliography is subject to further revisions and additions)

*Books for Teachers*


1. Allport, Gordon W. *The Nature of Prejudice.* Garden City, New York; Doubleday and Company Anchor Books, 1958.
2. Clark, Kenneth. *Prejudice and Your Child.* Second edition. Boston, Mass.: Beacon Press, 1963.
3. Crosby, Mildred, Editor. *Reading Ladders for Human Relations.* Wash., D. C.: American Counsel on Education, 1963.
4. Franklin, John Hope. *From Slavery to Freedom.* New York; Knopf, 1961.
5. Ginsberg, Eli. *The Negro Potential.* New York—Columbia University Press, 1956.
6. Griffin, J. H. *Black Like Me.* Boston, Mass.: Houghton Mifflin Company, 1961.
7. Gittler, Joseph, Editor. *Understanding Minority Groups.* New York: John Wiley and Sons, Inc. (science edition) 1964.
8. Handlin, Oscar. The Newcomers: *Negroes and Puerto Ricans in a Changing Metropolis.* Cambridge, Mass.: Harvard University Press, 1959. Also *Race and Nationality in American Life.* Garden City, N. Y.: Doubleday Anchor Book, 1957.
9. Harris, Lewis and Brink, William. *The Negro Revolution in America.* New York. Simon and Schuster, 1964.
10. Hirsh, Salem. *The Fears Men Live By.* New York: Harper and Brothers, 1955.
11. Karon, B. P. *The Negro Personality.* New York: Springer, 1958.
12. Lincoln, C. Eric. *The Black Muslims in America.* Boston, Mass.: Beacon Press, 1961.
13. Mahoney, John J. *For Us the Living: An Approach to Civic Education, pp. 173-205.* New York: Harper and Brothers, 1945.
14. Marrow, Alfred J. *Changing Patterns of Prejudice.* New York: Chilton Company, 1962.
15. McGill, Ralph. *The South and the Southerner.* Boston, Mass.: Little Brown, and Company, 1963.
16. Montagu, M. F. A. *Man's Most Dangerous Myth: The Fallacy of Race.* Revised edition. New York: Columbia Press, 1945.
17. Myrdal, Gunnar. *An American Dilemma: The Negro Problem and Modern Democracy.* New York: Harpers, 1962.
18. National Council for the Social Studies, *Citizenship in a Free Society, Education for the Future.* Chapters VIII, IX. Washington, D. C.: National Education Association, 1960.
19. Pettigrew, Thomas. *A Profile of the Negro American.* Princeton, N. J. D. Van Nostrand Company, Inc., 1964.
20. Rose, Arnold. *The Negro in America.* Boston, Mass.: Beacon Press, 1956. (A condensation of Myrdal's An American Dilemma.)


*Pamphlets for Teachers*


1. American Council on Education, Washington, D. C. (Selected pamphlets):
   a. Jennings, Helen M. "Sociometry in Group Relations," 1948.

2. Anti-Defamation League of B'nai B'rith, 72 Franklin Street, Boston, Mass. (Selected pamphlets):
   a. Allport, Gordon W. "ABC's of Scapegoating," 1948.
   b. Marcus, Lloyd. "The Treatment of Minorities in Secondary School Textbooks."
   c. Rabb, Earl and Lipset, Seymour M. "Prejudice and Society," 1959.
   d. Tumin, Melvin M. "Race and Intelligence," 1963.

3. National Conference of Christians and Jews, 73 Tremont Street, Boston, Mass. (Selected pamphlets):
   a. Grambs, Jean. "Education in a Transition Community," 1955.
   b. Heaton, Margaret M. "Feelings are Facts," 1951.
   c. Shaftel, George and Shaftel, Fannie. "Role-Playing the Problem Story," 1952.
   d. Storen, Helen P. "Readings in Intergroup Relations," 1953.

*Books for Above Average Pupils*

1. Allport, Gordon W. *The Nature of Prejudice.* Garden City, N. Y.: Doubleday and Co., Inc., 1958.
2. Franklin, John Hope. *From Slavery to Freedom.* New York: Knopf, 1961.
3. Griffin, J. H. *Black Like Me.* Boston, Mass.: Houghton Mifflin Co., 1961.
4. Handlin, Oscar. *The Newcomers: Negroes and Puerto Ricans in a Changing Metropolis.*
5. Harris, Lewis and Brink, William. *The Negro Revolution in America.* New York: Simon and Schuster, 1964.
6. Lincoln, C. Eric. *The Black Muslims in America.* Boston, Mass.: Beacon Press, 1961.
7. McGill, Ralph, *The South and the Southerner.* Boston, Mass.: Little, Brown and Company, 1963.

*Books for Other Pupils*

1. Hughes, Langston and Melzer, Milton. *A Pictorial History of the Negro in America.* New York: Crown Publishing Co., 1963.
2. King, Martin Luther. *Stride Toward Freedom: The Montgomery Story.* New York: Harper and Row, 1958.

Note: Refer also to graded book selections for pupils published in Heaton, Margaret M. and Lewis, Helen B. *Reading Ladders for Human Relations* and Wolfe, Ann. *About 100 Books—A Gateway to Better Inter-group Understanding* as listed above under *Pamphlets for Teachers.*

*Pamphlets for Pupils*

1. Anti-Defamation League of B'nai B'rith. (Selected pamphlets)
   a. Allport, Gordon W. *"ABC's of Scapegoating."* Revised Edition, 1948.
   b. Handlin, Oscar and Handlin, Mary *"Danger in Discord,"* 1959.
   c. Kennedy, John F. *"A Nation of Immigrants,"* 1959.
   d. Montagu, Ashley. *"What Do We Know About Race?"* 1958.
   e. Senior, Clarence. *"Strangers—Then Neighbors—From Pilgrims to Puerto Ricans."*
   f. Van Til, William. *"Prejudices—How Do People Get That Way?"* 1957.

2. Civic Education Center, Tufts University, Medford, Mass. (Selected pamphlets):
   a. *These Americans,* 1952.
   b. *And Crown Thy Good,* 1952.
   c. *Why Don't They Think?* 1952.
   d. Shary, Dore. *The Stereotype,* 1960.
3. Public Affairs Pamphlets, 22 East 38th Street, New York City (Selected pamphlets):
   a. Hirsh, Selma. *Fear and Prejudice,* 1957.
   b. Humphrey, Hubert H., Jr. *The Stranger at Our Gate,* 1954.

*Films*

1. *Boundary Lines.* Produced by International Film Foundation. 1 reel. 10 minutes, color.
2. *One People.* Produced by Anti-Defamation League and others. 1 reel. 10 minutes.
3. *How to Judge Facts.* Produced by Coronet Films. 1 reel. 10 minutes. Black and white and color.
4. *The High Wall.* Produced by Anti-Defamation League. 3 reels. 32 minutes. Black and white.

## *Unit Assignment II*

# HOW DO WE SAFEGUARD LIBERTY BY LAW?

A. Suggested Outline for the Unit Assignment

1. Some expressions of basic American rights
   a. ". . . All men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."
   b. "We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."
   c. "No person shall be . . . deprived of life, liberty, or property, without due process of law."
   d. "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."
   e. "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
   f. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of laws; nor deny to any person within its jurisdiction the equal protection of the law."
   g. "Freedom from fear."
   h. "Freedom from want."

2. Some special federal agencies or units organized to promote and protect civil rights.
   a. United States Department of Justice, Civil Rights Section
   b. The United States Civil Rights Commission
   c. The President's Committee on Equal Employment Opportunities
   d. United States Community Relations Service

3. State FEP Commissions and Commissions Against Discrimination: California, Colorado, Connecticut, Delaware, Indiana, Kansas, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

4. The promotion and protection of civil rights in Massachusetts:
   a. The Massachusetts Commission Against Discrimination
      (1) Legal foundations
      (2) Membership and operation
      (3) Some unlawful practices for an employer; for a labor organization; for an employment agency; for an educational institution; for the owner or manager of a place of public accommodation;

for a public housing authority; for the owner of a housing development; for a real estate broker; for the owner of an apartment building.

b. Massachusetts Advisory Committee to the United States Civil Rights Commission

c. Division of Civil Rights and Liberties of the Attorney General's Office

d. The Governor's Committee on Civil Rights

e. Division of Civic Education, Massachusetts Department of Education

B. Suggested Questions for Thought and Discussion[9]

1. How do you react to these quotations from "And Crown Thy Good?"
   a. "And if a man is treated as a hero in time of war, shouldn't we treat him decently in afterwar days and off the battlefield, too?"
   b. You can find nothing in our laws showing that we have two or three or four kinds of citizenship. There is—or at least that's how we meant it to be—only one kind of citizenship here, first-class citizenship."
   c. "As a full partner in the United Nations, as a leader in the counsels of the United Nations, as the country housing the permanent home of the United Nations, our country now has a solemn duty to make our practice square with what we preach. We are far beyond the 'talking stage' on human rights and civil rights."
   d. Discrimination is not only morally wrong. *It's bad business.*
2. What arguments can you present to show that anti-discrimination laws are keeping with the expression, "Thy liberty in law?"
3. What evidence have you that Commissions Against Discrimination recognize the place of education in combating discrimination?
4. What reasons can you give for so much interest in and action about civil rights in the United States at the present time?
5. What are some reasons why you should be concerned personally about civil rights at this stage in your life?
6. In terms of your plans for further education and future employment, how do you hope that the expression "equality of opportunity" will be applied to you: What kind of behavior might a future employer and fellow workers rightfully expect from you on a job?
7. How do we reconcile "freedom of enterprise" with anti-discrimination laws affecting employment?
8. What are some of the practical problems involved in the implementation of the United States Civil Rights Act of 1964?
9. Can civil disobedience be countenanced in a "government of laws?"

C. Suggested Activities

1. Write and produce an imaginary dialogue in which you seek to justify the wisdom of your state's anti-discrimination laws.
2. Working in cooperation with your local Chamber of Commerce, Service clubs (such as Rotary, Kiwanis, Lions, Exchange, etc.), or with an industrial concern, take (obtain the loan of) some photographs showing American workers of various backgrounds (racial, national origin) combining their talents for national defense. Exhibit the pictures under the title "Americans All for All Americans."
3. Discuss one of the "case studies" provided for your class by the Massachusetts Commission Against Discrimination. Do you feel that the Commission lived up to the spirit and the letter of the law in its handling of the case? How? What other reactions do you have to this case?

4. Interview (individually or with a class committee) an executive of a local or state housing authority, an official of a local or regional Fair Housing Practices Committee, or a local realtor and obtain a report of the procedures by which housing authorities have observed the anti-discrimination laws in the selection of tenants.
5. Draw up a "Civil Rights" code which could be incorporated in a Students' Handbook for your school.

   *Illustration:* 1. I will respect the right of every student to share equitably in the educational opportunities provided in this school.
6. With the assistance of the Adult Civic Education teacher in your school system, make a tape recording of the answers of students in the Americanization classes to these questions:
   a. What led you to think that you would have a right to get a job when you came to this country?
   b. What kind of job opportunity did you get in this country which you might not have obtained in your native country?
   c. Do you have any reason for thinking that you will have a chance to get a better job in this country if you want it and can fill it?

   *Note:* It may be necessary to rephrase these questions so that they may be understood by those who are interviewed.

   Play these recordings for your class and invite comments on the answers given to your questions.

D. Suggested References:

(Note: This bibliography is subject to further revision and additions.)

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6. Massachusetts Department of Education, *The Freedom Lectures,* Boston, Mass.: Division of Civic Education, Massachusetts Department of Education, 1962.
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8. Perry, Richard L. *Sources of Our Liberties.* New York: Associated College Presses, 1959.
9. Roscoe, Pound. *The Development of the Constitutional Guarantees of Liberty,* New Haven, Conn.: Yale University Press, 1957.
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    a. Leskes, Theodore. "Civil Rights in America," pp. 193-203.
    b. Douglass, Joseph, "The Effects of Minority Status on Children" pp. 181-191.
15. From a standard textbook in American History on American Government:
    The Declaration of Independence
    The Constitution of the United States; Preamble; Amendments I-X, The Bill of Rights; Amendments XIII, XIV, XV.
16. The Atlantic Charter—The Four Freedoms.
17. The Charter of the United Nations, Articles 55 and 56.

*Books for Above Average Pupils*

1. Allen, C. K. *Law in the Making.* Fair Lawn, New Jersey. Oxford University Press, 1958.
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2. Finlay, Bruce A. *Guaranteed for Life: Your Rights Under the U. S. Constitution.* Englewood Cliffs, N. J.: Prentice-Hall Inc., 1955.
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4. From a standard textbook in American History or American Government:
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5. The Atlantic Charter—The Four Freedoms.
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*Pamphlets for Teachers and Pupils*

1. Anti-Defamation League of B'nai B'rith.
    a. Douglas, William O. *"A Living Bill of Rights,"* 1963.
    b. Grier, Eunice and Grier, George. *"Discrimination in Housing."*
    c. Hartman, Paul. *"Civil Rights and Minorities,"* 1963.
    d. Schultz, Henry Edward. *"A Decade of Progress."*

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4. Tufts Civic Education Center. *"And Crown thy Good."* Tufts University, Medford, Mass., 1952.
5. Weinberger, Andrew D. *"Freedom and Protection: The Bill of Rights."* San Francisco, California: Chandler Publishing Company, 1962.

*Other Materials for Teachers*

1. Annual Reports and other publications of the Massachusetts Commission Against Discrimination.
2. U. S. Civil Rights Act of 1964. (Obtain through your Congressman.)

*Films*

1. *The Challenge.* Produced by March of Time. 3 reels. 30 minutes. Black and white.
2. *Due Process of Law Denied.* Produced by AFL-CIO Education Department, 815 Sixteenth Street, N.W., Washington, D. C. 3 reels. 29 minutes. Black and white.
3. *All the Way Home: Integration in Housing.* Brandon Films, Inc., 200 West 75th Street, N. Y. C.

# CASE HISTORIES ILLUSTRATIVE OF THE WORK OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

## 1.

A young man who had been trained as a mechanic filed a complaint with MCAD stating that he had been refused a job because of his color. He alleged that the personnel manager of the company in question had said to him that in his opinion white employees would object to working with a colored mechanic and for this reason the complainant could not be employed.

Investigation showed that the company complained against was a large organization in the process of hiring several thousand persons. Up to the time the investigation was conducted, no colored mechanics or skilled workmen had been hired at all. Further investigation seemed to indicate that the attitude of the personnel department mentioned above would make it extremely difficult for any colored mechanic or skilled workman to be employed by this company.

At an informal conference held on this complaint, a representative of the company answered that the complainant was not refused employment because of his color but because he did not meet the quite exact qualifications of the job. The executives of the company who participated in the conference said that it was not the intention of the plant to discriminate against any applicants because of color or religion.

It was then suggested to the company that it re-interview the complainant for employment in some other capacity. After being reminded of its obligations under the FEP Law to give equal opportunity and after being informed that other companies had so hired without regard to color or religion without experiencing difficulty of any kind, the company agreed to re-interview the complainant.

A week later the complainant was hired and reported to the Commission subsequently that for two or three weeks the white employees of the company would stare at him and have nothing whatsoever to do with him until they were able to see for themselves that he was a good worker, and on top of that, a good fellow. In other words, his color made no difference. Within the next few weeks, the company hired over a score of qualified mechanics in its plant. (No. III-3-C)

## 2.

In February a semi-trailer truck driver filed a complaint against a transportation company on the ground that he was discharged because of his Italian ancestry. His troubles had stemmed, he alleged, from the prejudice of his employer towards Italian-Americans. The complaint contained the charge that the driver had been discharged through no fault of his own, in such language as to indicate his employer's bias towards persons of his extraction.

The investigation not disclosing sufficient reason for the discharge of the complainant and the conciliation conference having been the occasion for contradictory statements on the part of the employer, probable cause to credit the allegations of the complaint was found. Because of certain circumstances favoring the employer, the following record of conciliation appears in the final disposition of the complaint: "The respondent agreed to rehire the complainant on a two-week trial basis. If after two weeks he performed his duties satisfactorily he would be retained. The agreement was made in March, 1950. At the present time the complainant is still employed by the respondent." (From A. R. '49-'50, No. V-6-NO)

## 3.

In November a complaint was filed by a colored engineering school graduate against one of the nation's largest defense manufacturers alleging that he had been refused employment as an engineer because of his color.

Subsequent to the investigation of this complaint, company officials reconsidered the complainant's application and notified the Commission that it was offering employment both to him and to a second colored graduate of the same school. (From A. R. '52-'53, No. IX-2-C)

## 4.

The complainant, a woman 56 years of age, applied for light assembly work at the respondent company, in answer to a newspaper advertisement. She was informed by the personnel manager that the company did not have a job which she could do. She asked for an opportunity to prove her ability and was informed that her employment application form had supplied sufficient information.

In a prior interview, the personnel manager had informed the complainant, if she passed a manual dexterity test, she would be hired. She completed the test and was informed by the person administering it that she had passed with the "highest possible mark." She contacted the company a number of times in person and by telephone. Each time she was informed there was no employment for her.

The complainant charged the respondent company with discriminating against her in denying her employment because of her age.

Investigation revealed that the respondent company employed several hundred persons. The rate of turnover of employees was approximately ten per week. Members of minority groups were employed in various capacities. Records used prior to employment conformed to the law.

According to the personnel director, a number of jobs had been vacant since the complainant's original application. However, these jobs were in production and the complainant was not qualified for such work.

Investigation of company records revealed that in the period since the complainant's application to the date of her complaint to the Commission, a period of five months, 100 female employees had been hired in production. The majority of the new production employees were recent high school graduates without previous experience.

A review of the complainant's employment application form and record at the Commission office revealed that she had six years' experience in production work, and one additional year in a similar industry.

The personnel director denied that he had told the complainant that if she passed the manual dexterity test she would be hired. He added that all, except former employees, must take the test before being considered for employment.

He denied that the respondent discriminated against the complainant because of her age, pointing out two employees, one 41 years of age and another 45. He insisted that the work of the respondent required good eyesight, dexterity and in some instances was tedious and dangerous. Therefore, due to the nature of the business, the majority of the employees were young girls.

The respondent's representative stated that the complainant's age was not the reason she was not hired. He added that he would re-interview the complainant and attempt to place her with the company.

The following day he contacted the Commission stating he had interviewed the complainant and found her to be a very satisfactory prospect and he would attempt to employ her shortly.

A short time later the complainant contacted the Commission stating that she had been employed by the respondent. She added that she was very pleased with the position she held. (From A. R. '55-'56, No. AVI-1-A)

## 5.

The first grievance brought to the Massachusetts Commission Against Discrimination after the transfer of the Fair Educational Practices Act from the Department of Education was filed on August 14, 1956, by a resident of New Jersey.

Immediate contact with the complainant revealed that a girl had made application to a Junior College in Massachusetts using her own name, "a commonly accepted Jewish name." The college advised that its "quota from New York and New Jersey" had been filled. However, three weeks later when the girl's mother applied to the same college, but using her maiden name, which was of an obviously different national extraction, the college sent an application blank in reply—none was sent in the first reply to the girl—and made no reference to the geographical quota. It was contended by the father that discrimination had been directed against his daughter and that applications were not being considered upon a geographical basis but upon the recognition of family names.

A week later the Registrar of the college was contacted. Explanation was made that vacancies did appear after June 1st and lists were presented to show that Jewish students were admitted in large numbers (20-25%). A promise was made to write the father full details and send an application blank.

The father accepted the college's explanation and apology but the girl was no longer interested in a Massachusetts college because she had enrolled elsewhere.

During the investigation the college produced complete enrollment data. A study of this data verified the Registrar's statements made in June. It was recommended by the Commission that (1) the college avoid the use of word "quota" in correspondence relating to admission. When "geographical quota" is meant, it is suggested that "geographic distribution" might be substituted since the word "quota" has previous unpleasant connotations.

(2) That application blanks should be sent in reply to any inquiry even if an accompanying letter explains that enrollment had been completed as of that date. (From A.R. '55-'56, No. ED-1-RC)

## 6.

In July a complaint was filed by a New York social worker against a Cape Cod motor court charging that he and his wife had been refused reservations because of color. The respondent answered that in fact there had been no reservation and that the cabin in question had been rented prior to the arrival of the complainant and his wife.

Investigation, however, revealed that there had been a reservation and there was sufficient evidence to indicate that the complainant had arrived at the motor court at least a half hour before the cabin had been rented.

Accordingly, this complaint was conciliated with the agreement that respondent would submit a letter of apology to the complainant and a statement to the Commission of adherence to the anti-discrimination laws; and that the complainant would be reimbursed in the amount of fifty dollars for his expenses. In addition, the MCAD notified the licensor and the Chief of Police of the district and took steps to inform all similar licensees of the area about their obligations under the anti-discrimination statute. (From A.R. '51-'52, No. P-II-6-C)

## 7.

In February of this year a complaint was filed with the Commission by a woman, age 60, employed in a large plant located in Central Massachusetts.

The allegation of the complaint was that respondent had refused to allow her to exercise seniority rights, solely because of her age, in transferring to a job for which she was qualified. The request for the transfer was precipitated by a layoff then being put into effect throughout the plant.

Investigation revealed that the job to which she had requested a transfer was

a job which she had performed previously although on a temporary basis for eight months prior to the lay-off.

The investigation further revealed that a much younger woman, having less service with the respondent than the complainant, had been assigned to the job.

In addition, it was developed that 90% of the work in the section of the plant to which the transfer request was made was done by females so that the contention of the respondent that the work was too heavy for the complainant did not in and of itself establish the physical requirements for the job.

A meeting was held in the office of the Commission at which all parties in interest and their attorneys were present. The meeting, informal in nature, was conducted by the investigating commissioner, who guided both sides to present the pertinent facts of the case.

Enough facts having been produced to substantiate the allegation contained in the complaint, the investigating commissioner successfully accomplished a conciliation of the complaint and the complainant was returned to the job to which she had requested transfer and with no loss of seniority rights. (From A.R. '54-'55, No. AV-54-A)

## 8.

A complaint was filed with the Commission against a place of public accommodation which followed the line of not directly refusing service to colored people but using subterfuge to accomplish the same result.

Three Negroes, two men and a woman, entered a cafe at about 11:15 P.M. and occupied a vacant booth.

Fifteen minutes elapsed before a waitress appeared at the booth. In addition to the menu the waitress presented a card on which was printed in pencil "Minimum charge—$4.50 per person." The waitress is alleged to have stated that since it was rather late she did not think that she could serve the party with drinks and that therefore it would not be worth the paying of the minimum charge.

The complainant observed a party of white people, one of whose members he knew. He approached the party and inquired as to whether a minimum charge of $4.50 per person was being placed on them. The answer was in the negative. The white party had never seen the minimum charge card in all of their visits to this cafe.

The complainant and his friends waited until midnight and not having been served left the cafe.

Investigation included the taking of sworn statements from the members of the white party who were present the night of the incident and who had observed the card bearing the inscription "Minimum charge—$4.50 per person."

Probable cause was found to exist.

The terms of conciliation included a letter of apology to the complainant; an invitation to the complainant to patronize this establishment; a statement of policy to the Commission of future compliance with the law and the indoctrination of all personnel with the provisions of the public accommodations statute. (From A.R. '54-'55, No. PV-1-C)

## 9.

Two secretaries, one Negro and one white, sought to share an apartment together. The white girl filed an application and deposit with the respondent real estate agent who asked that her prospective roommate come to the office in person to fill out an application. Within twenty-four hours after the Negro girl appeared their applications and deposits were returned to them. The agency informed them that the apartment for which they applied had previously been rented by one of the agency's other offices.

Investigation revealed that the agency had misrepresented the rental date. The apartment was in fact available on the date on which the girls applied and was not rented until two days after their applications were returned.

The agency agreed to offer immediately a comparable apartment to the two

girls and to instruct its staff on the provisions of the fair housing law. (From A.R. '58-'59, PrH-I-9-C)

## 10.

While the foregoing case was being investigated two Negro women applied for an apartment together in another building managed by the above-mentioned respondent. They were shown an apartment by the building superintendent and referred by him to the real estate agency.

Their application and deposit were accepted and they were told that they would hear further as to their acceptability as tenants. Two days later they called the rental office and were told that their application had been rejected in favor of one received a day after they had applied. To their inquiry as to why the later applicant was preferred they received no answer.

Investigation revealed that the agency regarded the credit and personal references of both women to be excellent. It was also shown that no other application for the apartment had been received. As in the preceding case they agreed to offer an apartment to the complainants. (From A.R. '58-'59, No. PrH-I-10-C)

## 11.

A young man alleged that upon the owner of an apartment building learning he was Jewish, the rental desposit he had made on an apartment was returned and his application rejected. He was told by the real estate agent who had originally shown him the apartment that he had been told by the owner that the apartment had been previously rented out by the owner himself. A week later the complainant saw a newspaper ad offering for rent what appeared to be the same apartment.

Upon investigation by the Commission it was clear that there was no violation of the law by the agent. He had in good faith processed the complainant's application and forwarded it to the owner. When informed that there was a right of first refusal outstanding on the apartment he secured another for the young man.

The owner explained the later newspaper ad had been placed because the person who had the right of first refusal withdrew his application after the complainant's deposit had been returned. Before further investigation was undertaken by the Commission the owner agreed to offer the complainant his pick of three available apartments in the building. (From A.R. '58-'59, No. PrH-I-13-RC)

## 12.

The first week in February, 1961, a complainant, a Negro, applied for an apartment having heard of a vacancy from the tenant who was creating the vacancy.

Every two weeks, complainant alleged, he called respondent only to be put off with various excuses.

From his first call to respondent up to and including May 24, 1961, the date on which his complaint was filed, complainant knew of four vacancies having occurred at respondent's apartment building. He had knowledge also of respondent making inquiries of his landlord with reference to his present rent of two hundred and twenty dollars per month, whether he was noisy, prompt in his rental payments and whether he was rated a good tenant or not. The landlord gave the complainant an excellent rating.

Investigation revealed that respondent was negotiating to sell the apartment building and was fearful that the tenancy of a Negro would present an added obstacle to the negotiations.

Informal conferences were conducted with respondent and his attorney. It was agreed to bring the matter to the attention of the people who were negotiating to purchase the property. The negotiations went forward, final papers were passed and the new owners offered complainant an apartment and complainant took occupancy. (From A.R. '60-'61, No. PrH-III-28-C)